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PTO/SB/21 (09-04)

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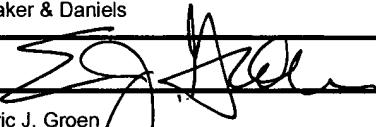
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Total Number of Pages in This Submission

Application Number	09/806,401
Filing Date	10/22/2001
First Named Inventor	Harry Hedler
Art Unit	2822
Examiner Name	David E. Graybill
Attorney Docket Number	KSN0012

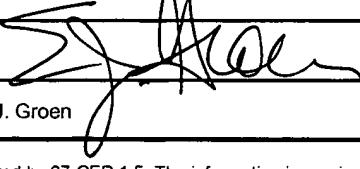
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Firm Name	Baker & Daniels		
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Date	01/04/2005	Reg. No.	32,230

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Appl. No. 09/806,401
Amdt. Dated January 4, 2005
Request for Reconsideration as to Finality of Office Action of December 13, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Harry Hedler
Application No. : 09/806,401
Filed : 10/22/2001
Title : ELECTRONIC MODULE, ESPECIALLY A MULTICHIP MODULE, WITH MULTI-LAYER METALLIZATION AND CORRESPONDING PRODUCTION METHOD
Group/Art Unit : 2822
Examiner : David E. Graybill
Docket No. : KSN0012

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REQUEST FOR RECONSIDERATION

Sir:

The Applicants hereby request the Examiner to reconsider and withdraw the Final Office Action issued on December 13, 2004, as the Final Rejection is premature. In particular, pursuant to MPEP §706.07(h) VIII,

"The action immediately subsequent to the filing of an RCE with a submission and fee under 37 CFR 1.114 may be made final only if the conditions set forth in MPEP § 706.07(b) for making a first action final in a continuing application are met."

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Meanwhile, MPEP § 706.07(b) indicates that,

"The claims of a new application may be finally rejected in the first Office action in those situations where (A) the new application is a continuing application of, or a substitute for, an earlier application, and (B) all claims of the new application (1) are drawn to the same invention claimed in the earlier application, and (2) would have been properly finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application."

Neither B1 nor B2 of MPEP § 706.07(b) are met in the instant case. First, the claims of the new application are not drawn to the same invention claimed in the earlier application. Applicants filed with the filing of the RCE, a Preliminary Amendment with amended claims. This amendment was above and beyond the amendment in the Final Response dated August 20, 2004, and therefore the claims were not drawn to the invention. Secondly, the claims could not have been properly finally rejected, as the Examiner has raised a new ground of rejection including a new reference which was not of record in the preceding Office Action.

More particularly, the Examiner has rejected claims 1 through 4 as being unpatentable over the combination of Caillat and Fallon. Fallon was not of record prior to this action, and thus the Examiner could not have properly finally rejected these claims in the next Office Action. Moreover, the Examiner felt the need to conduct a further search in order to reject the amended claims, indicating that the final rejection was premature.

Accordingly, the Examiner is requested to reverse the finality of the Office Action submitted on December 13, 2004, and provide a new Office Action and time for reply. Should the Examiner disagree with this request, a detailed explanation and supporting references are requested. The Examiner is also invited to contact Applicants' representative below if he has any questions or comments.

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Respectfully submitted,



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